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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PAYNE, SHARON E

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,235

Applicant(s)

YOSHIDA, MASAO

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-28 is/are allowed.
- 6) ☒ Claim(s) 1-16, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2875

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 11 December 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. (There was no translation of the German patent DE 3235752.)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashizume (JP 58086626A) in view of Morgenthaler (U.S. Patent 6,310,609 B1).

Regarding claims 1 and 7 Hashizume discloses a button where a plurality of patterns are displayed on one key top (abstract), a unit for light the button (abstract), wherein the plurality of patterns are colored with a plurality of different colors (abstract), and the unit includes a plurality of different lighting colors including the same colors as those of said plurality of patterns (abstract) wherein the plurality of different colors respectively correspond to a plurality of input modes of inputting data to the electronic device (abstract) and wherein the plurality of input

Art Unit: 2875

modes respectively correspond to character converting methods (abstract, Fig. 2). Hashizume does not disclose the lighting unit irradiating the button from the rear.

Morgenthaler discloses the unit for lighting comprising a backlight that irradiates the button from a rear side of a display surface of the button (column 2, lines 35-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to light the button from the rear as shown in the Morgenthaler reference in the apparatus of Hashizume for illuminating the button.

Concerning claim 2 Hashizume discloses a color switch for switching a lighting color of the plurality of different lighting colors of the unit (shift key, reference number 1).

Regarding claims 3 and 6, Hashizume does not disclose a lighting color that is complementary to a particular color of the plurality of different colors of a particular pattern.

However, Hashizume does disclose the use of different colors, which would suggest the use of complementary colors if desired, since complementary light colors are well known in the art.

Regarding claim 4, Hashizume discloses the steps of providing a button in which a plurality of patterns colored with a plurality of different colors are displayed on one key top (abstract), and lighting said button with a plurality of different lighting colors including the same colors as those of the plurality of patterns so that the lighting color is different from the color of the pattern utilized (abstract). Hashizume does not disclose the lighting unit irradiating the button from the rear.

Morgenthaler discloses the unit for lighting comprising a backlight that irradiates the button from a rear side of a display surface of the button (column 2, lines 35-40).

Art Unit: 2875

It would have been obvious to one of ordinary skill in the art at the time the invention was made to light the button from the rear as shown in the Morgenthaler reference in the apparatus of Hashizume for illuminating the button.

Concerning claim 5, Hashizume discloses switching the lighting color of the plurality of different lighting colors of the unit (abstract).

Concerning claim 8, Hashizume discloses the first pattern being more easily seen than the second pattern when the lighting device emits the second lighting color and does not emit the first lighting color (abstract), and the second pattern is more easily seen than the first pattern when the lighting device emits the first lighting color and does not emit the second lighting color (abstract).

Regarding claim 9, Hashizume discloses a color switch that instructs the lighting device to switch between emitting at least the first lighting color and the second lighting color (shift key, reference number 1).

Concerning claim 10, Hashizume discloses the first lighting color being substantially the same as the first pattern color (abstract) and the first pattern being difficult for a user to see when the lighting device emits the first lighting color (abstract).

Regarding claim 11, Hashizume discloses the first lighting color being substantially different than the second pattern color (abstract) and the second pattern being easy for a user to see when the lighting device emits the first lighting color (abstract).

Concerning claim 12, Hashizume does not disclose the second pattern color being a complement of the first lighting color.

However, Hashizume does disclose the use of different colors, which would suggest the use of complementary colors if desired, since complementary lighting colors are well known in the art.

Art Unit: 2875

Concerning claim 13, Hashizume discloses the first lighting color being substantially different than the second pattern color (abstract) and the second pattern being easy for the user to see when the lighting device emits the first lighting color (abstract).

Regarding claim 14, Hashizume discloses the second lighting color being substantially the same as the second pattern color (abstract) and the second pattern being difficult for the user to see when the lighting device emits the second lighting color (abstract).

Concerning claim 15, Hashizume discloses the second lighting color being substantially different than the first pattern color (abstract) and the first pattern being easy for a user to see when the lighting device emits the second lighting color (abstract).

Regarding claim 16, Hashizume does not disclose the second lighting color being a complement of the first pattern color and the first lighting color being a complement of the second pattern color.

However, Hashizume does disclose the use of different colors, which would suggest the use of complementary colors if desired, since complementary lighting colors are well known in the art.

Concerning claim 29, Hashizume discloses a button having at least a first pattern and a second pattern (Fig. 2), a lighting device that emits at least a first lighting color and a second lighting color to illuminate the button (abstract), wherein the first lighting color is substantially different than a color of at least one of the first pattern and the second pattern (abstract). Hashizume does not disclose a lighting device illuminating the button with the first lighting color while a speaking mode is set.

Morgenthaler discloses a portable phone wherein the lighting device illuminates the button with the first lighting color while a speaking mode is set (abstract).

Art Unit: 2875

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the button of Hashizume in the apparatus of Morgenthaler to light up the telephone buttons to indicate the desired mode of input.

Regarding claim 30, Hashizume discloses a lighting device that emits at least a first lighting color and a second lighting color to illuminate a button (abstract), wherein the lighting device illuminates the button with a first lighting color while one input mode is set (abstract), wherein the lighting device illuminates the button with the second lighting color while a second mode is set (abstract), wherein the first lighting color is substantially different than a color of the second pattern (abstract), and wherein the second lighting color is substantially different than a color of the first pattern (abstract). Hashizume does not specifically disclose the button having a number and a letter or the name input mode and the number input mode.

Morgenthaler discloses a button having at least a first pattern and a second pattern (Fig. 1), the first pattern including a numerical pattern (Fig. 1), the second pattern including a letter pattern (Fig. 1).

Using a number input mode and a name input mode in the machine is considered to be an obvious variation in design. Since the two input modes are well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a number and name input mode in the Hashizume device to use the same key to input a number or a letter. (The Hashizume device has two input modes, one with a shift key and one without; one would merely have to make each of the keys correspond to a number and a letter instead of two letters or a number and a symbol.)

It would have been obvious to one of ordinary skill in the art at the time the invention is made to use the button of Morgenthaler in the apparatus of Hashizume to have a button with a numerical and alphabetical input mode in a machine with a need for both modes.

Allowable Subject Matter

4. Claims 17-28 are allowed.

5. The following is an examiner's statement of reasons for indicating allowable subject matter. The prior art fails to disclose a button having the following features:

1) a third pattern having a third pattern color with a lighting device that emits a first lighting color and a second lighting color as recited in claim 17; and

2) a third pattern color that is substantially different than the lighting color that is a combination of the first and second lighting color as recited in claim 25.

Response to Arguments

6. Applicant's arguments filed 7 April 2003 have been fully considered but they are not persuasive. The Applicant argues that the plurality of patterns in Hashizume do not correspond to character converting methods. To the contrary, pressing a shift key as shown in Hashizume is inherently a character converting method because a capital "A" has a different ASCII character than a small "a" on a computer keyboard. Thus, claims 1-16 are rejected.

The other arguments are rendered moot by indications of allowable subject matter.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 2875


MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (703) 308-2125. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

sep
April 25, 2003


Stephen Husar
Primary Examiner